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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DEJON ANDRADE,

15 Defendant.  
16

Case No. 17-cr-00261 BLF (NC)

**DETENTION ORDER**

Hearing: May 11, 2017

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18 In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), the Government  
19 moved for detention of the defendant DEJON ANDRADE, and the Court on May 11, 2017,  
20 held a detention hearing to determine whether any condition or combination of conditions  
21 will reasonably assure the appearance of the defendant as required and the safety of any  
22 other person and the community. This order sets forth the Court's findings of fact and  
23 conclusions of law as required by 18 U.S.C. § 3142(i). The Court finds that detention is  
24 warranted.

25 The defendant was present at the detention hearing, represented by his attorney Rita  
26 Bosworth, AFPD. The Government was represented by Scott Simeon, AUSA.

27 The defendant is charged by indictment in this District with twenty felony firearms  
28 offenses, including possession of a firearm without a serial number, dealing in firearms

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1 without a license, and unlawful possession of a firearm by a convicted felon. ECF 5. The  
2 maximum prison sentence, if convicted, is ten years. The defendant is presumed innocent  
3 of the charges. *See* 18 U.S.C. § 3142(j).

4 The detention hearing was held publicly. Both parties were allowed an opportunity  
5 to call witnesses and to present evidence. Both parties presented their arguments by way of  
6 proffer through counsel. Both parties may appeal this detention order to the assigned trial  
7 judge, U.S. District Court Judge Beth Labson Freeman.

#### 8 I. PRESUMPTIONS

9 The charged offenses do not create a presumption of detention.

#### 10 II. REBUTTAL OF PRESUMPTIONS

11 The defense has no burden to rebut in this case.

#### 12 III. WRITTEN FINDINGS OF FACT AND STATEMENT OF REASONS


13 The Court has taken into account the factors set out in 18 U.S.C. § 3142(g) and all of  
14 the information submitted at the hearing and finds as follows. The Court adopts the facts set  
15 forth in the Pretrial Services Reports prepared May 10, supplemented by information  
16 presented at the hearing. (The report indicated the defendant is charged by complaint; this  
17 order updates the procedural status of the charge). The Court finds that the Government has  
18 established by more than clear and convincing evidence that the defendant poses a risk of  
19 danger to the community and that no combination of conditions can reasonably mitigate that  
20 risk. The offense conduct took place while defendant was on supervised release for a prior  
21 felony firearms conviction in Eastern District of California. He has had multiple  
22 supervision violations and has been abusing drugs while on release. This record, when  
23 joined with the serious firearms offenses charged in the case, combine to create an  
24 untenable risk to the community. As to risk of non-appearance, the Court finds that the  
25 defendant poses some risk (based on the charged offense conduct and his poor performance  
26 while on release), but that a combination of conditions could be imposed to mitigate the  
27 risk.

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2 IV. DIRECTIONS REGARDING DETENTION

3 The defendant is committed to the custody of the Attorney General or her designated  
4 representative for confinement in a corrections facility separate, to the extent practicable,  
5 from persons awaiting or serving sentences or being held in custody pending appeal. The  
6 defendant must be afforded a reasonable opportunity for private consultation with defense  
7 counsel. On order of a court of the United States or on the request of an attorney for the  
8 Government, the person in charge of the corrections facility must deliver the defendant to a  
9 United States Marshal for the purpose of an appearance in connection with a court  
10 proceeding.

11 IT IS SO ORDERED.

12 Date: May 15, 2017

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15 Nathanael M. Cousins  
16 United States Magistrate Judge  
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